

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JAN 28 2002 LF

Michael N. Milby, Clerk

MARK NEWBY, ET AL.,

Plaintiffs,

v.

ENRON CORPORATION, ET AL.,

Defendants.

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CIVIL ACTION NO: H-01-3624
AND CONSOLIDATED CASES

**MOTION TO EXPEDITE CONSIDERATION OF DEFENDANT
KENNETH L. LAY'S EMERGENCY MOTION TO ENJOIN CERTAIN
PLAINTIFFS AND COUNSEL FROM PROSECUTING STATE COURT
ACTION IN DEROGATION OF THIS COURT'S JURISDICTION**

TO THE HONORABLE COURT:


Defendant Kenneth L. Lay ("Defendant") files this Motion to Expedite Consideration of Defendant's Emergency Motion, and in support thereof respectfully shows as follows:

1. Simultaneously with the filing of this motion, Defendant has filed an *Emergency Motion to Enjoin Certain Plaintiffs and Counsel from Prosecuting State Court Action in Derogation of This Court's Jurisdiction* ("Motion"). In that Motion, Defendant requests that the Court enjoin certain plaintiffs and their counsel before it in these consolidated proceedings from proceeding with a state court action ("State Court Action") designed to circumvent this Court's rulings and undermine its ability to control these consolidated proceedings.

2. It is critical that Defendant have an expedited hearing on the Motion because a temporary injunction hearing is scheduled in the State Court Action on January 31, 2002 at 1:30 p.m. The Motion seeks to enjoin that hearing as well as further proceedings in the State Court Action. Consequently, Defendant seeks a hearing on the Motion prior to January 31, 2002.

WHEREFORE, Defendant respectfully requests that the Court expedite its consideration of Defendant Kenneth L. Lay's Emergency Motion to Enjoin Certain Plaintiffs and Counsel from Prosecuting State Court Action in Derogation of This Court's Jurisdiction, and the Court grant Defendant such other and further relief as is just and proper.

Respectfully submitted,


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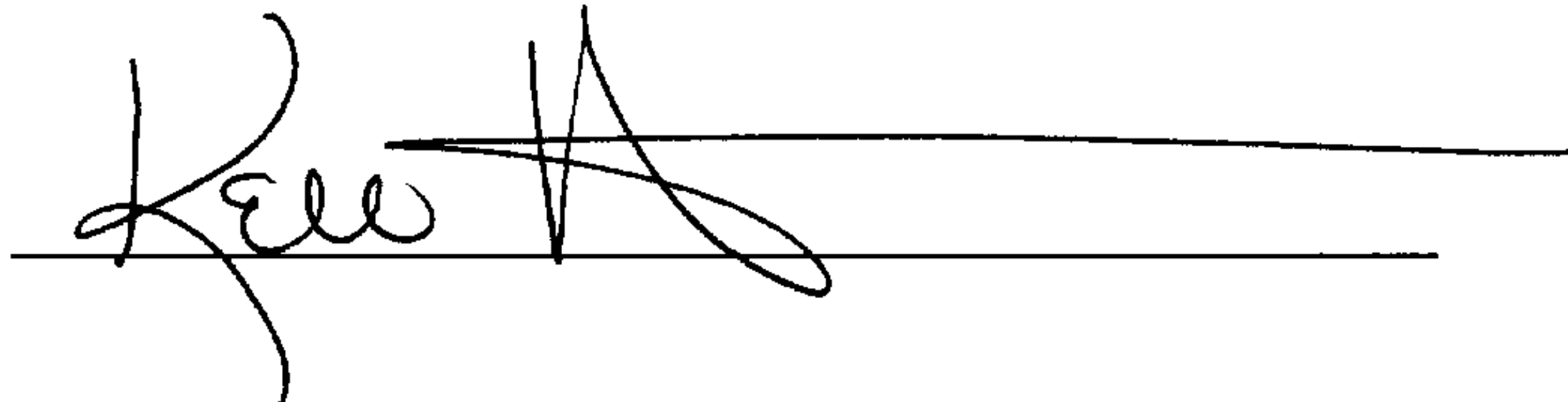
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CERTIFICATE OF CONFERENCE

On ~~Jan 28~~ ²⁸, 2002, the undersigned counsel for Defendant Lay telephoned counsel for Plaintiffs in the State Court Action in an attempt to confer on the merits of the foregoing motion, but was unable to reach counsel; therefore, it is assumed this motion is opposed.



CERTIFICATE OF SERVICE

A true and correct copy of this motion was served on counsel of record by fax on January ^{28th}, 2002.



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al.

Plaintiffs,

v.

ENRON CORPORATION, et al.

Defendants.

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CIVIL ACTION NO: H-01-3624
AND CONSOLIDATED CASES

**ORDER GRANTING DEFENDANT KENNETH L. LAY'S MOTION FOR
EXPEDITED CONSIDERATION OF HIS EMERGENCY MOTION TO ENJOIN
CERTAIN PLAINTIFFS AND COUNSEL FROM PROSECUTING STATE
COURT ACTION IN DEROGATION OF THIS COURT'S JURISDICTION**

On this date, the Court considered Defendant Kenneth L. Lay's Motion to Expedite Consideration of Emergency Motion to Enjoin Certain Plaintiffs and Counsel from Prosecuting State Court Action in Derogation of This Court's Jurisdiction (the "Motion"). After reviewing the Motion, the Court finds good cause for granting the relief requested therein. Accordingly, it is hereby

ORDERED that a hearing is scheduled on the Motion on _____, 2002, at
_____.m.

SIGNED this ____ day of _____, 2002.

JUDGE PRESIDING